

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GILBERTO MARTINEZ, <u>et al.</u>	: : : : : : : :	CIVIL ACTION
Plaintiffs,		
v.		No. 13-7305
CSX TRANSPORTATION, INC.,		
Defendant.		

ORDER

AND NOW, this 11th day of February, 2015, upon consideration of the “Motion to Dismiss of Defendants CSX Transportation, Inc. and Dorrell Jeremiah” (Doc. No. 8), Plaintiffs’ “Motion for Leave” to File a Second Amended Complaint (Doc. No. 21), the responses thereto, as well as supplemental briefing submitted by the parties, and for the reasons set forth in the accompanying memorandum opinion, it is hereby **ORDERED** that:

- Defendant’s motion to dismiss is **GRANTED** in part and **DENIED** in part. The motion is granted with respect to Plaintiffs’ claims for intentional tortious conduct, negligence and negligent/reckless/intentional hiring, training and supervision. The motion is denied with respect to Plaintiffs’ claims for recklessness.
- Plaintiffs’ motion for leave to file a second amended complaint is **DENIED without prejudice**.

BY THE COURT:

/s/ **Mitchell S. Goldberg**

Mitchell S. Goldberg, J.